



UNITED STATES PATENT AND TRADEMARK OFFICE

Cen

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,946	05/22/2000	Alexandre Dayon	19940-000110US	2721

20350 7590 12/03/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

LE, HIEU C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/03/2003

C

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,946

Applicant(s)

DAYON, ALEXANDRE

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

El ction/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-16, drawn to a method for accessing webpages on a network, classified in class 709, subclass 217.

II. Claims 17-26, drawn to a method for cataloging and accessing a documents on network using one or more filtering methodologies , classified in class 707, subclass 100.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP.

§ 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the broadest combination claim i.e. claim 1 does not require using one or more methodologies to identify one or more document satisfying the selected one or more dimension values as recited in claim 17 of subcombination. The subcombination has separate such as cataloging documents based on one or more filtering methodologies.

3. Newly submitted claims 17-26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the combination (claims 1-16) as claimed does not require the particulars of the subcombination (claims 17-26) as claimed because claims 1-16 do not require cataloging documents based on one or more filtering methodologies.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-16 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. The amendment file 9/17/03 have been entered and made of record.

5. The Applicant's argument filed 9/17/03 have been fully considered but they are moot in view of new grounds for rejection.

Applicant alleges that "Zellweger '583 discloses a method [,]" (p. 7, lines 6-23). Firstly, claim 7 recites "detect one or more categories concurrently specified by the user" and the claim is satisfied when one category is detected. Zellweger'583 detecting at one category which is satisfies the claim limitation and concurrently specification of one category is meaningless.

As to claim 10, Applicant alleges that "Zellweger '583 discloses a defining [,]" (p. 9, lines 20-27). The Examiner disagrees. As shown in Fig. 5, categories are listed as Topics of different types.

Claim Rejections - 35 U.S.C. § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2142

7. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites " selecting allowing the user to concurrently select two or more of the following categories [,] " lines 5-6. There is no disclosure in the specification as originally filed the specification as originally filed " selecting allowing the user to concurrently select two or more of the following categories" nor how to perform it. nor how to perform it. The specification as originally filed only disclose "a set of four pull-down menu or lists corresponding geographic location, coporate department (page. 7, lines 23-27).

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 7, 8 are rejected under 35 U.S.C. 102(e) as anticipated by Zellweger (US Patent 6,301,583).

As to claim 7, Zellweger discloses a user interface for accessing web pages on a network, the user interface using a user input device and display device (Fig. 1), the user interface comprising:

selector means for displaying one or more categories (col.2; lines 57-61);

detection means for accepting signals from the user interface device to detect one or more categories concurrently specified by the user [user navigate through succession of pop up list menus to reach information on a web page. The user selects items from menu list (col. 4; lines 6-10), detecting one category satisfies the claim, concurrently is meaningless].

selection means for selecting one or more web pages that meet the chosen categories [a pop up list menu that link to content on a web page is displayed to the user (col. 3, lines 6-12), the client downloads the hypertext file (webpage) from the server (col. 3, lines 54-67). The pop up from the server (col. 3, lines 54-67). The pop up list menu contains several categories (fig.5)]; and

display means for presenting a list of the selected web pages on the display device [(Fig. 1, item 10, col. 8, lines 7-13)].

As to claim 8, Zellweger discloses a user interface for accessing web pages, the user interface comprising:

displaying a selector for selecting one or more categories (col. 2, lines 57-61; col. 4, lines 6-13).

accepting signals from the user input device to select one or more of the categories [user navigate through succession of pop up list menus to reach information on a web page. The user selects items from menu list (col. 4; lines 6-10)].;

displaying a list of documents which are included in the selected categories [(Fig. 1, item 10, col. 8, lines 7-13)].

Claim Rejections - 35 U.S.C. § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-4, 6, 9-10, 12-13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellweger (US Patent 6,301,583) in view of Zellweger (US Patent 6,379,222).

As to claim 1, [as best understood by the Examiner] Zellweger '583 discloses a method for accessing web pages on a network, wherein the network is coupled to a server computer and a user computer operated by a user, the user computer including a user input device and a display device, the method comprising:

transferring a portion of a web page from the server computer to the display device over the network, wherein the portion of a web page includes a selector allowing the user to select two or more of the following categories [a pop up list menu that link to content on a web page is displayed to the user (col. 3, lines 6-12), the client downloads the hypertext file (webpage) from the server (col. 3, lines 54-67). The pop up from the server (col. 3, lines 54-67). The pop up list menu contains several categories (fig.5)];

detecting a user's choice by receiving information generated in response to signals from the user input device to indicate the two or more categories concurrently chosen by the user [user navigate through succession of pop up list minus to reach information on a web page. The user selects items from menu list (col. 4; lines 6-10)].;

identifying one or more web pages associated with information that meets the chosen categories [each time a user selects an item from a menu list and another pop up list menu or it links to a web page associated with the menu and retrieves variables associated with the item such as topic (categories (col. 4, lines 6-13, col. 7, lines 43-48)]; and

sending information about the identified web pages to the user computer (col. 8, lines 7-13).

Zellweger '583 does not disclose explicitly allowing the user to concurrently select two or more of geographic location, corporate department, employee classification, time period .

Zellweger '222 discloses a system that enables end users navigate hyperlinks in a network like world wide web to locate a relevant information object (col. 2, lines 28-36). The topics are organized in an open hierarchical data structure in a plurality of content menus (col. 4, lines 13-16, Fig. 10) and includes Departments, Employees categories (Fig. 6 & 10). The plurality of content lists 21 are list played to the user concurrently as shown in Fig. 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Zellweger' 222's teachings to modify Zellweger '583 method by concurrently selecting two or more corporate department, employee classification in order to organize the information on a web site in and enhance end user access to the information.

As to claim 2, Zellweger'222 further discloses wherein the selector includes pull-down lists, one for each category (Fig. 10, pull down menu lists 21, one menu for departments, services, etc).

As to claim 3, Zellweger'583 further discloses wherein information sent to the user

computer is used to display a list of the identified web pages (col. 8, lines 7-13).

As to claim 4, Zellweger'222 further discloses further comprising:

accepting signals from the user input device to create a document (col. 3, lines 21-53); and

accepting signals from the user input device to associate a document with a category (col. 4, lines 53-63, col. 5, lines 30-35).

As to claim 6, Zellweger'222 further discloses wherein each category has sub-categories (col. 4, lines 59-63), the method further comprising:

defining a theme for associating documents with categories where the theme is based on contents of the documents [as shown in Fig. 6, topics (categories) such as Departments (categories) includes accounting, human resources, legal (i.e different types of department, legal department which is a theme of the type of documents associated with a category such as department, the theme "legal department" is based on the document being a legal document (content of document))].

As to claim 9, Zellweger'583 does not disclose wherein a category is one of the following:

geographic location, corporate department, employee classification.

Zellweger'222 discloses a system that enables end users navigate hyperlinks in a network like world wide web to locate a relevant information object (col. 2, lines 28-36). The topics are organized in an open hierarchical data structure (col. 4, lines 13-16, Fig. 10) and includes Departments, Employees categories (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Zellweger' 222's teachings to modify Zellweger '583 method by using one category such as departments, employees in order to organize the information on a web site in a hierarchial structure and enhance end user access to the information.

As to claim 10, Zellweger'583 discloses a method for searching documents in a computer network, the method comprising

defining a first category having category types [user navigate through succession of pop up list menus to reach information on a web page. The user selects items from menu list (Fig. 5, col. 4; lines 6-10)] ;

storing the at least a portion of a document in a retrievable form (col. 4, lines 31-35, col. 4, lines 40-47);

indicating the category to a user (col. 4, lines 45-47, lines 53-59, Fig. 2);

accepting input from the user to specify the first type (col. 6, lines 6-10); and

identifying the at least a portion of a document to the user (col. 4, lines 6-13, col. 7, lines 43-48).

Zellweger'583 does not discloses assigning at least a portion of a document to a first type in the category;

Zellweger '222 discloses a system that enables end users navigate hyperlinks in a network like world wide web to locate a relevant information object (col. 2, lines 28-36). The topics are organized in an open hierarchical data structure (col. 4, lines 13-16, Fig. 10) and includes Departments, Employees categories (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Zellweger' 222's teachings to modify Zellweger '583 method by assigning a document to a first type in the category such as departments, or employees in order to organize the information on a web site in a hierarchial structure and enhance end user access to the information.

As to claim 12, Zellweger'222 further discloses wherein the category is corporate department (Fig. 6, category is departments).

As to claim 13, Zellweger'222 further discloses wherein the category is employee classification (Fig. 6, category is employees).

As to claim 15, Zellweger'222 further discloses wherein multiple categories are used (Fig. 6, Departments, employees etc), wherein the step of indicating the category to the user includes the substep of :

indicating a plurality of categories to the user (Fig. 10, shows one or more pop up menu list 21 displayed to the user), wherein the step accepting input from the user includes the substep of allowing the user to specify at least one category type for two or more of the categories [(Fig. 6, shows one category type (departments) for accounting, human resources, legal (one or more categories)].

As to claim 16, Zellweger'222 further discloses wherein the user specification is performed by means of a selector tool displayed on a graphical user interface to a digital processing system [a pop up list menu is displayed on by a graphic user interface (col. 3, lines 19-25)].

Art Unit: 2142

12. Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellweger (US Patent 6,301,583) in view of Zellweger (US Patent 6,379,222) as applied to claim 4 and further in view of Mills (US Patent 6,466,940).

As to claim 5, Zellweger'222 further discloses further comprising associating a user with a category (col. 5, lines 41-48, col. 5; line 66-col.6, line 7) .

Zellweger'222 does not discloses using the user's associated category as a default category associated with the created document.

Mills discloses searching databases of classification, contact and or geographical information by interrogating web pages posted on a network (col. 5, line 6-col. 6, lines 7). Searching method involves finding URL references or finding sets of associated database property values from databases containing classification, contact geographical information (CCG-data), relating query field to a corresponding database property according to type and locating CCG-data database property value (col. 9, lines 40-50), and using query expressions as a default (col. 9, line 60-col. 10, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mills's teachings to modify the combined method of Zellweger '583 and Zellweger by using user's associated category as default category in order to increase the efficiency of the search engines in locating web pages of interest on the network.

As to claim 11, neither Zellweger'222 nor Zellweger discloses wherein the category is geographic location.

Mills discloses searching databases of classification, contact and or geographical information by interrogating web pages posted on a network (col. 5, line 6-col. 6, lines 7). Searching method involves finding URL references or finding sets of associated database property values from databases containing classification, contact geographical information (CCG-data), relating query field to a corresponding database property according to type and locating CCG-data database property value (col. 9, lines 40-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mills's teachings to modify the combined method of Zellweger '583 and Zellweger by using geographical location category in order to increase the efficiency of the search engines in locating web pages of interest on the network.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zellweger (US Patent 6,301,583) in view of Zellweger (US Patent 6,379,222) as applied to claim 10 and further in view of Merriman et al (US Patent 5,948,061).

As to claim 14, neither Zellweger'222 nor Zellweger discloses wherein the category is time period.

Merriman discloses a method for delivery of advertisements on a network where the user selects an advertisement on a network where the user selects on advertisement from a web page within a predetermined period (col. 7, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Merriman's teachings to modify the combined method of

Art Unit: 2142


Zellweger '583 and Zellweger by classifying the web pages in the time period category in order to provide control over accessing web pages within predetermined timed period.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:00 PM.

The fax number of this Group 2153 is (703) 308-5397 or 305-7201. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER